THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.9077 of 1997

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Between
Smt.Padmavathi Panigrahy ..Petitioner

AND

Regional Manager, A.P.S.R.T.C., Vizianagaram ..Respondents
and others

JUDGMENT

14.2.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.9077 OF 1997

JUDGMENT:

Heard Sri S.Venkata Ramana, learned counsel for the petitioner and Ms.Uma Devi, learned Standing Counsel for the Andhra Pradesh State Road Transport Corporation. This writ petition has been instituted by the widow of an employee of the respondent Corporation who died on 3.10.1989 while working as Conductor, Grade II, seeking appointment on compassionate grounds.

The writ petitioner appears to have submitted a representation soliciting appointment on compassionate grounds on18.12.1989 to the Corporation, which has been turned down on 27.6.1992. The Corporation has paid a sum of Rs.26,687/- though un-asked for by the writ petitioner as additional monetary compensation in lieu of providing for appointment in favour of the writ petitioner. The husband of the petitioner is alleged to have been recruited on casual basis as a Conductor on 17.10.1987 whereas his services have been regularised on 15.2.1989 and soon thereafter, he died on 3.10.1989. The Corporation tried to justify its action in not offering any appointment in favour of the writ petitioner on

several grounds including the fact that the husband of the writ petitioner having rendered a very short tenure of service with the Corporation and in view of all the constraints on human resources deployment, the Corporation is not in a position to consider the grievance of the writ petitioner for appointment on compassionate grounds and on the other hand, the Corporation had paid a sum of Rs.26,687/- as additional monetary benefit which is deposited with the Employees' Cooperative Thrift Society. It is alleged that except receiving a sum of Rs.267/- per month, the writ petitioner has been left totally, to fend for herself, without any meaningful assistance from the Corporation.

Unfortunately, the scheme of making appointments on compassionate grounds is, in a way, an exception to the normal process of recruitment throwing it open to all the qualified, eligible and similarly placed persons to seek such appointment. Therefore, if valid criteria have been taken into account and if any person has not been offered appointment on compassionate grounds, the reasons that weighed with the employer, so long as not found to be perverse or unreasonable, do not deserve to be interfered with in the judicial review exercise under Article 226 of the Constitution of India. This apart, the fact that the family of the deceased employee could survive on its own for long is a factor indicative of sustaining ability of the family without there being any active support from the employer of the principal who is alleged to have died in harness. In such circumstances, not considering the candidature for appointment on compassionate grounds cannot be faulted and this is the principle that has been spelt out in the judgment rendered by the Supreme Court in **State of Jammu**

and Kashmir vs. Sajad Ahmed Mir[1].

In this view of the matter, I cannot find any merit in the writ petition and it is accordingly, dismissed, but however, without costs.

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NOOTY RAMAMOHAN RAO.J.

14.2.1.2007
psr

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[1] 2006 (5) SCC 766